

**RODNEY J. JACOB, ESQ.**  
**DANIEL M. BENJAMIN, ESQ.**  
**CALVO & CLARK, LLP**  
Attorneys at Law  
655 South Marine Corps Drive, Suite 202  
Tamuning, Guam 96913  
Telephone: (671) 646-9355  
Facsimile: (671) 646-9403

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DISTRICT COURT OF GUAM

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**LAWRENCE T. KASS, ESQ.**  
**MILBANK, TWEED, HADLEY & MCCLOY LLP**  
1 Chase Manhattan Plaza  
New York, New York 10005  
Telephone: (212) 530-5000

*Attorneys for Defendant*  
FUJITSU MICROELECTRONICS AMERICA, INC.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiff,

vs.

FUJITSU LIMITED, FUJITSU  
MICROELECTRONICS AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

**AGREEMENT/ NON-AGREEMENT  
OF HEARING DATE FOR FUJITSU  
MICROELECTRONICS AMERICA,  
INC.'S MOTION TO DISMISS OR  
TRANSFER TO THE NORTHERN  
DISTRICT OF CALIFORNIA AND  
FOR A MORE DEFINITE  
STATEMENT**

Pursuant to Local Rule 7.1, the parties hereby acknowledge the following:

1. I, Daniel M. Benjamin, am the attorney for the defendant Fujitsu Microelectronics America, Inc. ("FMA") in this matter. I contacted the attorney for the opposing parties in this action to agree upon a date for oral argument of FMA's Motion To Dismiss Or Transfer To The Northern District Of California And For A More Definite Statement.

2. The attorney for plaintiffs is Joseph C. Razzano.

3. The date I proposed was: January 17, 2007, at 10:00 a.m. Mr. Razzano indicated that he had to check with co-counsel. I did not hear back from him prior to this filing. I will amend this once a response is received.

4. My office contacted the Deputy Clerk of Court to ensure that the Court is available on the above date.

Respectfully submitted this 5<sup>th</sup> day of December, 2006.

**CALVO & CLARK, LLP**  
**MILBANK, TWEED, HADLEY**  
**& MCCLOY LLP**  
*Attorneys for Defendant*  
Fujitsu Microelectronics America, Inc.

By:

  
**DANIEL M. BENJAMIN**